

Legislative Council

Tuesday, 30 September 1980

The PRESIDENT (the Hon. Clive Griffiths) took the Chair at 4.30 p.m., and read prayers.

ADDRESS-IN-REPLY

Presentation to Administrator: Acknowledgment

THE PRESIDENT (the Hon. Clive Griffiths): I have to announce that I have, in company with several members, waited on His Excellency the Administrator and presented the Address-in-Reply to the Speech by His Excellency the Lieutenant Governor and Administrator, agreed to by this House, and that His Excellency the Administrator has been pleased to make the following reply—

Mr President and Honourable Members of the Legislative Council: I thank you for your expressions of loyalty to Her Most Gracious Majesty The Queen, and for your Address-in-Reply to the Speech with which the Lieutenant Governor and Administrator opened Parliament.

BILLS (3): ASSENT

Message from the Administrator received and read notifying assent to the following Bills—

1. The Bank of Adelaide (Merger) Bill.
2. Essential Foodstuffs and Commodities Amendment Bill.
3. Aboriginal Heritage Amendment Bill (No. 2).

QUESTIONS

Questions were taken at this stage.

CANCER COUNCIL OF WESTERN AUSTRALIA AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. D. J. Wordsworth (Minister for Lands), read a first time.

Second Reading

THE HON. D. J. WORDSWORTH (South—Minister for Lands) [4.56 p.m.]: I move—

That the Bill be now read a second time.

The amendments contained in this Bill relate mainly to the composition of the Cancer Council of Western Australia, the function of the council, and a change to its financial year period.

The Cancer Council of Western Australia was established under the principal Act in 1958 and at a time when radiotherapy, as a treatment for cancer, was undergoing a major reorganisation in this State. Naturally, this had a marked influence on the qualifications and representative bodies sought in members of the council. Some were required to hold specialised medical, professional, or academic qualifications. This was to enable the board to be equipped with the expertise necessary to deal with problems caused through higher usage of radiotherapy in the treatment of cancer. Since then, there have been changes in the management of cancer.

The emphasis is now more on community aspects of patients' management, rather than medically-orientated treatment. The latter, while still requiring some medically qualified representatives on the council, does not require the medical specialisation currently nominated in the Act.

Accordingly, the composition now proposed in the Bill is much more simple. It also allows the council to nominate five persons it considers would be suitable to contribute significantly to its particular projects.

Another amendment is to change the term of appointment of the council, as at present the council as a whole is appointed for two years. To avoid the situation, which could occur, of a completely new council being appointed—one which could be lacking in knowledge of policies and experience in the council's workings—it is proposed to extend the terms of appointment of members to up to three years. Also, it is proposed to provide for progressive expiration of these terms of appointment by arranging them administratively so that one-third of the members retire each year.

Much of the success of the council's activities depends on the effectiveness of the work carried out by its committees. At present, the Act requires the chairman of each committee to be a member of the council. From experience, it is known it is not always the council member on the committee who is best suited to be the chairman of that committee. Therefore, it is proposed that the council be empowered to appoint its nominee as chairman of each committee as the situation may require.

The council has recently developed an extensive network of community services for the benefit of cancer patients. These range from housekeeping services to home nursing for the terminally ill. As this function is not one itemised in the Act, it is proposed in a further amendment that this be

included to cover this change in emphasis of the council's activities.

The final amendment is to change the council's financial year from July-June to January-December. This is in order to more correctly report, in the one annual financial statement, the promotional costs of fund-raising activities and the revenue derived from that expenditure.

At present, with fund-raising activities being based on a calendar year, promotional costs incurred before June are shown in the same financial statement as revenue derived from a previous campaign. In published financial statements this, of course, is confusing. Financial results of the year's activities are misleading, as they are linking unrelated activities.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. R. Hetherington.

LAND: NATIONAL PARKS

Investigation by Select Committee: Motion

Debate resumed from 17 September.

THE HON. F. E. MCKENZIE (East Metropolitan) [5.00 p.m.]: The Opposition, if called upon, is prepared to supply a member or members to serve on the proposed Select Committee, as has already been explained by the mover (the Hon. Sandy Lewis). The intention of the proposed Select Committee is to continue the work of a Select Committee of the previous Parliament. I was a member of that Select Committee. During the course of the sittings of that Select Committee quite a number of interested parties presented submissions to it. As a result of the huge number of people and parties interested in the matter, it was impossible for the members of the Select Committee to make any decisions in the time left to them. However they indicated there was a need for a Select Committee to be formed in this Parliament so that the matter of national parks could be examined thoroughly.

As a result of that, the Opposition wishes to advise the House that it will supply a member or members for the Select Committee if the House determines that one should be appointed to carry out the task outlined in the motion.

Question put and passed.

Appointment of Select Committee

THE HON. A. A. LEWIS (Lower Central) [5.02 p.m.]: I move—

That the Hons. P. G. Pendal, W. M. Piesse, F. E. McKenzie, R. T. Leeson and the

mover, be appointed to serve on the Committee, and that any three members shall form a quorum.

Question put and passed.

THE HON. A. A. LEWIS (Lower Central) [5.03 p.m.]: I move—

That the Committee have power to call for persons, papers and documents and to adjourn from place to place; that the Committee may sit on days over which the Council stands adjourned; that the Committee be authorised to function notwithstanding the adjournment or prorogation of Parliament; and that the report be presented to the House in the Second Session of the Thirtieth Parliament.

Question put and passed.

GOVERNMENT AGENCIES: EXAMINATION BY STANDING COMMITTEE

Inquiry by Select Committee: Motion

Debate resumed from 17 September.

THE HON. D. K. DANS (South Metropolitan—Leader of the Opposition) [5.04 p.m.]: The Opposition does not oppose the motion moved by the Hon. Bob Pike; however, we intend to speak about it and then to move an amendment.

Mr President, as I have already mentioned to you privately, this is a very serious matter and it is one which, if it is carried out effectively and correctly, could possibly change the whole course not only of the upper House, but of the Parliament of Western Australia. If carried the motion could lead to the setting up of a Standing Committee which, if it proved to be effective, would lead to the creation of other committees.

I rather hoped that the Hon. Bob Pike would spend a little more time telling us a little more than he did, but that was not the case. Because this is a very complex matter, I will have to refer fairly extensively to some research notes that I have. I have not stapled the notes together, nor are they in a spring-back folder. I can assure members that they need not indulge in any mental gymnastics and ask for the notes to be tabled, because they can have them without any of that. In fact, they will all go into *Hansard*.

I would like first of all to evaluate what the Hon. Bob Pike put to us when he proposed the establishment of this Select Committee to consider and inquire into—

(a) the feasibility and desirability of setting up a Standing Committee of the

Legislative Council to examine State Government Agencies . . .

- (b) the purposes and nature of the various government agencies in existence in the State in order to determine what sort of agencies call for examination by a Standing Committee; and
- (c) the Constitution powers and rules of procedure which should apply to any such Standing Committee;

And—

- (2) To investigate the Constitution and effectiveness of any committees or bodies whether parliamentary or otherwise having similar functions to the proposed Standing Committee . . .
- (3) To report to the Legislative Council with such recommendations as may be considered appropriate.

It is clear that the primary purpose of the proposed Select Committee is to make a determination in respect of the establishment of a Standing Committee to examine only certain Government agencies. The concept of a Standing Committee of this nature is not entirely new. Indeed, it is almost certain that Mr Pike has been at some time "inspired" by the reports of the Commonwealth Parliament's Senate Standing Committee on Finance and Government Operations, headed by Senator Peter Rae.

The Hon. R. G. Pike: Quite true; plus the American and Canadian systems.

The Hon. D. K. DAns: We might even talk about the Canadian and British systems and also our own home-grown system in the Victorian Parliament.

The Hon. R. G. Pike: An excellent one.

The Hon. D. K. DAns: However, let us stick for the time being within the British Commonwealth.

The Hon. I. G. Medcalf: Well done!

The Hon. D. K. DAns: I thank the Leader of the House. With a modest amount of research, Mr Pike would have found that his Standing Committee of the Commonwealth is established under Standing Order No. 36AA of the Commonwealth Parliament. Its charter comprises, *inter alia*, scrutiny of finance, administration, and accountability of Commonwealth statutory authorities and other bodies owned and controlled by the Commonwealth. Its investigations have included other semi-Government agencies which, together

with the aforementioned authorities, are referred to as quasi autonomous national government organisations, or "QANGOS". As I recall his speech, Mr Pike introduced another name—"QASOS". I do not like these short titles, because they can lead anywhere.

Before we start talking about that matter, let us make sure we understand what we are talking about. A statutory authority may be defined in broad terms as a non-departmental institution which derives its functions and authority from an Act of Parliament or subordinate legislation. That is what I am speaking about today.

The Commonwealth Standing Committee has produced three reports which Mr Pike could have been expected to cite if he had done any research at all into the matter.

The Hon. P. H. Wells: There are four reports.

The Hon. D. K. DAns: There might now be four; there were three when I did my research, and I am merely pointing out that Mr Pike could have been expected to quote some of them.

Further research would reveal that the Victorian Parliament, with the passing of the Parliamentary Committees (Public Bodies Review) Bill and its assent in March 1980, has established a Public Bodies Review Committee, amongst other things to investigate, monitor, and evaluate the performance, efficiency, functions, and accountability of Government bodies.

The principle and application of sunset legislation is embodied in the Parliamentary Committees (Public Bodies Review) Act 1980. The committee is constituted as a Joint Select Committee of the Legislative Council and the Legislative Assembly and consists of eight members. No doubt that is because the Victorian Parliament could see the importance of the role of the committee, and realised that in the 1980s people expect more from Parliaments than they are at present getting. I am sure the Victorian Parliament came to the conclusion that it would be a far better proposition to have a Joint Select Committee of both Houses of the Victorian Parliament. That is also my view.

More specifically, the committee has the power to review a public body—a body established by or appointed pursuant to an Act, or established by or appointed pursuant to any rule, regulation, by-law, order, Order-in-Council, proclamation, or other instrument of a legislative character—when it is nominated for review either by resolution of the Legislative Council and the Legislative Assembly, or the Governor-in-Council.

The committee is responsible for examining in detail the role and function of the public body, the

need for such a body, the manner in which it operates, and the extent to which it is fulfilling its role. The committee has to report on its review to Parliament. That is a very fine thing, and I will be watching very closely the activities of the Victorian committee, because I think Victoria has broken new ground as a State Parliament. I will have a little more to say about that later.

If, after applying the criteria set out in the Act, the committee is not satisfied that the body reviewed is performing a worth-while function and reports that it should go out of existence, it will automatically go out of existence 12 months after the report is tabled unless the Parliament otherwise decides.

In addition there is also provision for the review committee to report to the Parliament any changes it sees as necessary or desirable to the structure, membership, or mode of operation of the body in order that it might function more effectively and efficiently in the future.

In order to conduct a review, the committee may commission a report to be prepared on the body. The report would cover such aspects of the body's functions and activities as deemed relevant by the committee for the purposes of the review. The constitution and functions of the committee can be found in part IV of the Parliamentary Committees (Public Bodies Review) Act 1980.

The Hon. R. G. Pike: No. 9367.

The Hon. D. K. DANS: I thank the honourable member for the information. Had Mr Pike given us this information when he moved his motion, the House may have been adjourned by now.

The Hon. R. G. Pike: We will do that on the Standing Committee; we are discussing the Select Committee now.

The Hon. D. K. DANS: We are not discussing the Standing Committee referred to in the motion. We are discussing the appointment of a Select Committee. No doubt the Select Committee if appointed will come back here with a report in favour of setting up a Standing Committee. Mr Pike may recall that I interjected and asked him about that.

Further research would reveal that the House of Commons in the Canadian Parliament has instituted legislation—namely, the sunset legislation of 1979—under which the committee of the House of Commons has powers and functions similar to those already outlined in relation to the Public Bodies Review Committee of Victoria. In addition, the British Parliament has two committees which operate in a similar manner in relation to Government agencies. These are the Select Committee on Statutory

Instruments and the Committee of Public Accounts.

Of the institutions outlined in the foregoing, the most relevant body with respect to the Western Australian Legislature is the Public Bodies Review Committee of Victoria. This one appeals to me most of all. However, one must question the consistency of a Government that creates yet another statutory body to investigate existing statutory and non-statutory agencies. Similarly, one could legitimately pose a question as to whether or not another statutory authority or committee should be established to investigate the statutory body that has been created to investigate existing statutory authorities, and so on, and so on.

As ludicrous as it may seem, this is the very principle inherent in Mr Pike's motion that a Select Committee be established to consider the feasibility and desirability of establishing another committee—a Standing Committee—to examine certain existing Government committees and other statutory agencies.

The House will agree that sounds a little crazy. We will set up one committee, so we need another committee to investigate a whole host of agencies or some selected agencies.

On 17 February this year, prior to the last State election and, coincidentally, one day before the Australian Labor Party indicated it would release a major, detailed policy entitled "Sunset legislation and Performance Audits—Curbing Bureaucracy in the 80s", the Premier announced in an exclusive interview in the *Sunday Independent* that he had ordered a major inquiry into all statutory Government authorities. Sir Charles is reported to have said—

The inquiry will ask each of the State's 196 boards, commissions and committees to justify its existence. The Government would consider using an "outside" investigator to check not only its departments but also its instrumentalities such as the State Energy Commission and Westrail.

I am concerned that we are in danger of becoming inefficient.

Ministers had not been given a fixed date to report on the bodies under their control, but they have been advised as soon as the election is over we will be putting somebody right through it in co-operation with the Public Service Board.

It is relevant to mention in passing that the figure of 196 statutory authorities quoted by Sir Charles was, in fact, incorrect. The number of known bodies at that time was 210, so he was 14 short.

There are so many of them they could not be all ferreted out.

The Hon. P. G. Pendal: I believe you.

The Hon. D. K. DANS: I am not opposing the motion. I am just suggesting we should do the job better.

The Hon. R. J. L. Williams: There are 268 of them.

The Hon. D. K. DANS: Mr Williams knows it better than I do. I may be able to pick a figure somewhere between those.

On 18 February, the ALP released its policy which was designed to improve the efficiency, performance, and accountability of all Government institutions. The major proposals contained in that policy document included the following—

A systematic review and evaluation of the performance of all statutory and non-statutory agencies.

Sunset legislation in respect of each agency recommended in the review.

Greater uniformity and more detailed reports to the Parliament.

Regular five-yearly performance audits for all State Government agencies to which the application of the principle of sunset legislation is not practicable; for example, the SEC, Westrail, and other State business undertakings.

The performance audits of Government departments and similar agencies was proposed to be headed by an independent chairman, and to have representatives from Treasury, the Audit Department, the Public Service Board, and the Civil Service Association; whereas performance audits of agencies such as State business undertakings were proposed to be undertaken by independent experts. Subsequently, in August, the Hon. Bob Pike gave notice of his motion.

Sir Charles Court was questioned in the Legislative Assembly on 14 August about his statement to the *Sunday Independent*, and he replied—

- (1) The inquiry into the State's boards, commissions and committees to justify their existence is proceeding.

As stated in the Press article appearing in the *Sunday Independent* on 17 February 1980 no time limit was placed on the Ministers to respond.

- (2) No specific investigator has been appointed, nor is one proposed until we are able to make a preliminary assessment from work being done.

That sounds like double Dutch; but it is what Sir Charles said. He continued—

The need for a specific appointment may be partly reduced if the Legislative Council proceeds with the Select Committee proposal listed as Motion No. 2 on its notice paper for today.

That confuses me, because Sir Charles said that the need for a specific investigator may be reduced partly if the Legislative Council proceeded with the Select Committee proposed in motion No. 2 on that day's notice paper. It seems that Sir Charles Court was saying, "All right, the Legislative Council is going to set up a Select Committee, but at the same time I am still going to select some of those Government agencies to be investigated by an independent investigator." That leaves us up in the air somewhat. Perhaps we may have another committee of the Legislative Council to advise the Parliament on just what agencies the independent expert would involve himself with, and what agencies a Standing Committee may have to consider, if we set one up. That is ludicrous, but it is what Sir Charles seemed to say.

The Hon. P. H. Wells: You could also refer something to the committee yourself.

The Hon. D. K. DANS: I know the Hon. Bob Pike will give me the answers to these questions I am posing now. We should know just where we are going in relation to this.

Whilst we set up a committee, we are also going to engage an expert to investigate other agencies. Therefore, the 268 agencies to which the Hon. John Williams referred by way of interjection will become 269 almost overnight, as the independent expert's committee will then be in operation.

The Premier anticipated the Hon. Bob Pike's motion by over six months. The Premier addressed himself to the major problems associated with what is described loosely as "big government and bureaucracy"—the machinery of government which now comprises over 250 independent agencies and a staff in excess of 100 000. That was last investigated by an overall Royal Commission in 1894; and the last Royal Commission into the Public Service specifically was in 1902.

In 1974, the Liberals promised a review of the Public Service. That resulted, several years later, in amendments to the Public Service Act. However, the Act covers only about 20 per cent of the total number of State Government employees. Clearly, the review by the Liberals was totally inadequate.

The basic functions and operations performed by the Government in our State are vital to the well-being and future prosperity of every Western Australian. Nevertheless, the Government has a responsibility to the citizens to optimise efficiency and performance and, above all, to ensure accountability. In particular, the Government must be alerted and responsive to changing community needs to ensure that maximum benefits are derived from the services of the Government at a minimum cost.

Undoubtedly the 1980s will place greater demands on government, and therefore there will be demands from the community for Governments to do more. At the end of the 1970s there was clearly a need for all Governments to check the expansion of their bureaucratic machinery. On that issue, I do not argue with the motion moved by the Hon. Bob Pike. As I said, perhaps we are laying a framework, no matter how we wobble up to the starting line, of a new dimension in Government or in the Parliament that is long overdue—

The Hon. R. G. Pike: I agree.

The Hon. D. K. DANS: —not only in respect of this issue, but in respect of many other areas.

Not only have the Liberals failed to recognise this need, but they have also been responsible for a rapid growth in the number of bureaucracies, particularly over the last five years. The Court Government's record is one of big government. Between 1974 and 1979 the present Government established over 46 authorities, boards, committees, commissions, corporations, and tribunals.

The Hon. I. G. Medcalf: What are you actually quoting from? I did not catch the quotation.

The Hon. D. K. DANS: I am not quoting from anything. I am referring to my notes. When I finished quoting what Sir Charles Court said, I said so. When I finished quoting from the Labor Party policy, I said so. When I started my speech, I said I would be quoting from my notes.

That figure of 46 I quoted can be checked. This information is not privy to me. They were established at the rate of nine new authorities each year. That is the highest number of statutory bodies created by any State Government during a five-year period in Western Australia's history.

Since January 1980, the State Government has established no fewer than 25 new Government agencies. I am sure the Hon. Bob Pike would agree with me that the proposed committee should come into operation before another 25 are created. The 25 created this year range from a committee investigating the quality of food in

school canteens to one investigating the WA Mining and Petroleum Institute. The figure quoted by Mr Williams a while ago may even have increased in the few minutes since he made his interjection. Who knows? That is a rapid expansion since January.

I am a master of understatement. I said there were 228 bodies, but Mr Williams has said there are 268. I cannot be accused of exaggerating. The number of statutory authorities did not include the 40 State Government departments, offices, or agencies of comparable standing; so there are more than 228. If we are to believe Mr Williams, there are 268 agencies, and they are backed up by 40 Government departments. That is the situation when we have just over one million people in Western Australia.

It is difficult to take seriously the Hon. Bob Pike's motion in view of his Government's penchant for the proliferation of Government agencies. The growth of State Government bodies has been particularly rapid during the 1960s and 1970s. Of the 228 statutory authorities existing, 160 have been established in the last 20 years. Moreover, these figures may understate the situation as there is no comprehensive list of Western Australian authorities available from the Government or from other sources. That staggered me. If anyone can tell me where we could obtain a comprehensive list, I would be happy to hear it, and I would be more than happy to go and obtain the list. That is an astounding situation. The authorities have proliferated to such an extent that one cannot obtain a list of them from the Government.

There are 13 million or 14 million people in Australia, and there are only one million in Western Australia. In the past, we have been referred to as a "toy Parliament". Perhaps we have too many toys to play with, and we have lost a number of them. A list of 195 authorities was provided by Sir Charles Court in 1978, in answer to a parliamentary question. It took the Government more than one month to collate that list. In the normal course of parliamentary procedure, a question was asked of the Premier in the Legislative Assembly, and it took one month for the Government, with all its facilities and experts, to collate a figure of 195.

The Hon. I. G. Medcalf: They had to set up a special agency to collate the information, I suppose!

The Hon. D. K. DANS: I know the Leader of the House is serious in his interjection. I agree with him. It is a very serious and sensible

interjection, because that is exactly what happened.

The Hon. I. G. Medcalf: Hence this motion.

The Hon. D. K. DANS: The Leader of the House is right. I am suggesting that the motion should be somewhat stronger. Even the Government does not know the vastness of its army of boards, committees, councils, commissions, trusts, and authorities.

After the delay of a month, Sir Charles Court omitted from his list such statutory authorities as the State Energy Commission—a fairly big one to have been forgotten—the Metropolitan Water Supply, Sewerage, and Drainage Board, and the Road Traffic Authority. They may have been forgotten by the Government, but they are uppermost in the minds of the people. There may have been other omissions. If the Government could forget those three, it is possible it would forget others. Maybe even Mr Williams' estimate of 268 is too low.

Clearly there is an urgent need for the entire machinery of Government in Western Australia to be quantified for a positive programme to improve the efficiency of Government, and for services to be effective. In the past, there has been no systematic approach to the creation of departmental and non-departmental authorities. They have been established on an *ad hoc* basis to meet perceived needs or to satisfy political pressure at the time of their creation.

It is possible that some authorities have continued when the need for them has passed or when their activities could have been absorbed by an existing department.

The Hon. R. G. Pike: You are quoting from my speech now. They are my exact words.

The Hon. J. M. Berinson: He has to be right sometimes.

The Hon. D. K. DANS: I am not arguing about that. As a matter of fact, I am not arguing at all.

Community, business, and industry needs in a particular field, vary considerably over time. Governments must be alert to these changes and their implications for the machinery of government.

In addition, larger, well-established authorities sometimes appear to operate for their own benefit rather than for the aims for which they were created. An example of this is the Metropolitan Water Supply, Sewerage, and Drainage Board's action in refusing to issue final notices of accounts and cutting off families' water supplies without any consideration of their position. I do not believe one could get a better example than that.

The quality of Perth's water supplies, suburban railway passenger services, and prison security are glaring examples of the deterioration in Government services that has occurred over the last three years.

Evidence that other problems exist is clear in the annual reports of the Parliamentary Commissioner for Administrative Investigations, an office established by the Tonkin Government in 1972. The number of complaints processed by the commissioner has increased steadily each year and totalled 1 381 in 1979.

In the commissioner's 1978 report it was stated that—

Originally it had been anticipated that there would be a fairly rapid increase of work for the first two or three years and then something of a levelling off, but this has not been the case.

In other words, the incidence of public dissatisfaction increases as the structure and complexity of government increases.

In his 1979 report, the commissioner defined part of his role as follows—

The supervision of those in authority and the resulting duty to report to Parliament on the manner in which State and local government authorities are performing their functions.

However, the point at which the commissioner enters into a consideration of any problem is after it has occurred and some redress is sought.

There is no machinery within government to supervise those in authority or to report to Parliament on the performances of an authority before complaints are made. In other words, there is no provision for prevention rather than cure.

Nor is there provision for advance warning to Parliament of areas in which a department or authority might be malfunctioning in a way which would not necessarily lead to an individual complaint to the commissioner. Of course, this happens.

The Hon. G. C. MacKinnon: Don't you find it odd that we politicians are turning on our own progeny?

The Hon. D. K. DANS: No, I do not find it odd. Sometimes we have to be cruel to be kind and that is what we are attempting to be. If we continue without having a broad look into this area, the institution of Parliament as we know it may crumble. That situation becomes evident every day when one looks at the number of people who have valid complaints about Government, but they do not know where to go with them.

The Hon. G. C. MacKinnon: Why didn't we think of that when they were set up?

The Hon. D. K. DANS: At the time these committees were set up, it seemed the right and proper thing to do; but, of course, because we have not had a look at what is happening, the disease has continued to proliferate and the manifestations of that disease have now reached plague proportions.

The Hon. G. C. MacKinnon: They are self-breeding, are they?

The Hon. D. K. DANS: Perhaps we shall leave that matter to the Standing Committee to decide. It is true one cannot say that every authority or agency is not operating correctly. Such a statement would be quite wrong.

The Hon. R. G. Pike: Very wrong.

The Hon. D. K. DANS: But it is necessary that these agencies be looked at so that we may find out what they are doing.

There have been numerous examples in recent years where Parliament has been ignorant of inefficiencies and apparent maladministration until it has been too late to take corrective action. An example in point would be the much publicised problem of expenditure on hospitals.

There are also many examples of duplication of effort by Government departments which frequently appear to be in competition with each other. An example of this is the sharing of functions between the RTA and the police. Indeed, that is a perfect example. I recall agreeing with members in this Chamber that it would be a good idea to have a Police Force and a highway patrol. I thought it was a good idea at that time. Perhaps that partly answers the interjections raised by Mr MacKinnon.

Factors such as efficiency, duplication, and accountability have to be considered when evaluating the performance of Government agencies. However, there is no formal mechanism to—

- monitor the performance of agencies and to ensure that their services realise the needs of communities, businesses, and industry;

- determine whether it is still necessary for an authority to continue functioning at all, or as a separate entity;

- guarantee that agencies are functioning efficiently and without duplication; and

- ensure that all agencies are accountable to the Parliament in a manner which adequately protects the public interest.

The Hon. R. G. Pike: That is almost word for word the same as my speech.

The Hon. D. K. DANS: I read the honourable member's speech very carefully.

The Hon. R. G. Pike: If you check it, you will find your speech is almost word for word the same as mine.

The Hon. D. K. DANS: The member seems to be astounded that I am not arguing with him tonight.

The Hon. I. G. Medcalf: You are supporting the motion, are you?

The Hon. D. K. DANS: I am getting around to moving my amendment.

It is clear that rising costs and charges come into this matter. Public concern about the growth of State bureaucracies and size of government is frequently expressed in relation to the greater revenue demands imposed on the taxpayer.

The members of boards, committees, and other authorities are paid a fee of \$60 for a sitting of more than four hours and \$40 for a sitting of four hours or less. That is my understanding of the situation. Of course, some members on some authorities may not be paid at all.

The Hon. R. G. Pike: Mr Grill made those points in his speech.

The Hon. D. K. DANS: However, the total cost of all these authorities is not reported to the Parliament and would exceed hundreds of thousands of dollars each year.

For example, if each authority comprised five members and met for one day, 10 times a year, the annual cost would be around \$585 000. If I take Mr William's estimate, which would be substantially correct, the figure would be something in the vicinity of \$650 000.

The Hon. D. J. Wordsworth: Do you think the Public Service could do it as efficiently?

The Hon. D. K. DANS: I would not like to speculate on that. By and large, I find public servants to be very efficient. I get very angry when people have a go at our public servants.

The Hon. D. J. Wordsworth: That was not the intention of the question.

The Hon. D. K. DANS: I did not say it was the intention of the question; but the civil service apparatus under which we operate has served our way of life very well for a long time.

The Hon. R. G. Pike: Hear, hear!

The Hon. D. K. DANS: That is not to say the situation cannot be modified or upgraded; we have over 100 000 people on the pay-roll.

In 1973-74, total State Government revenue per Western Australian amounted to just under \$525. In 1979-80, only six years later, the total revenue per Western Australian is estimated to be over \$1 289.

The Hon. R. G. Pike: Do you mean \$1 289 million?

The Hon. D. K. DAns: I am talking about total State Government revenue per Western Australian.

The Hon. R. G. Pike: I have a problem hearing you.

The Hon. D. K. DAns: I must be speaking softly tonight. Bearing in mind those figures, this means that over the last six years, annual State Government revenue per Western Australian has increased by around \$765 or 145 per cent, which is a rate considerably in excess of the rate of inflation—109.5 per cent—over the period to the end of 1979-80.

If annual revenue were increased only to keep pace with inflation, then total State Government revenue per Western Australian would be around \$266 less this year; that is, over \$20 per week per family. I just mention that to give members a little historical background as to what is happening.

Accompanying these increases in taxation, charges, and other forms of revenue has been an alarming deterioration in the quality of vital services such as water supplies, railway passenger services, and prison security. Previously I mentioned in this Chamber that we live in one of the greatest producing nations in the world, but we are getting to the stage where we cannot afford to buy the goods we produce. The situation is deteriorating. That is not a political statement, because one has only to move out of this Chamber and, based on one's own experience, one will see that what I am saying is true.

In addition to the collapse of these services, there is a feeling amongst the general public that the quality of other services provided has not kept pace with increasing revenue demands.

Parliament, which ought to be the public watchdog on such matters, has no means available to it to determine whether this criticism is justified or whether Government agencies are able to operate efficiently and in the best interests of the public.

The Hon. R. G. Pike: We want to make Parliament a watchdog with teeth.

The Hon. D. K. DAns: I am sure other members wish to support some of the statements I

have made. Therefore, I shall conclude my speech.

Amendment to Motion

I move an amendment—

Delete everything after the word "That" in line 1 and substitute the following passage—

"this house doth resolve:

(1) That a joint Select Committee comprising nine members, five from the Legislative Council and four from the Legislative Assembly, be appointed to investigate and evaluate all non-departmental semi-government agencies in Western Australia, including statutory corporations, authorities, advisory committees, board, commissions, trusts and other regulatory bodies, established with or without statutory authority and report upon—:

(A) The constitution and structure of each body including the range of services provided, the number of personnel, the frequency of meetings of the executive if applicable, the annual amount and sources of funds required to finance its operations.

(B) The advantages and disadvantages of each body with specific reference to—

(i) the special requirements, if any, which justify the establishment of each body as an organisation separate from existing departmental operations.

(ii) the social and economic effects of each body.

(iii) duplication, waste and inefficiency in relation to the operations of other bodies and departments and the cost thereof.

(iv) whether the existing functions of each body are still relevant to the purposes for which it was established.

(v) the degree to which each body is accountable to Parliament.

- (C) And make recommendations in relation to—
- (i) the feasibility and desirability of regular systematic reviews of each agency.
 - (ii) the most practicable and effective period of review.
 - (iii) the application of sunset legislation and performance audits as the basis for the Parliament to consider and determine the continuation of each agency.
 - (iv) the most appropriate mechanism to conduct systematic reviews.
 - (v) whether it is still necessary for each body to continue as a separate entity.
 - (vi) the most appropriate mechanism to—
 - (a) improve the long term efficiency and performance of each agency.
 - (b) monitor the quality and level of services.
 - (c) ensure each agency is capable of responding to changing needs and that the functions they perform are in the best interests of the public.
 - (d) ensure greater uniformity and comprehensiveness in each agency's report to parliament.
 - (e) Improve the accountability of each agency to Parliament.
- (2) That the committee, prior to the commencement of business, shall elect one of its members to be chairman.
 - (3) That in the absence of the chairman from any meeting of the committee the members present may appoint one of their number to act temporarily as chairman.
 - (4) That the chairman, or person acting as chairman, shall have a deliberative vote only and in any case where, at the meeting of the committee, the voting on any question is equal, that question shall pass in the negative.
 - (5) That the committee may adjourn from time to time and from place to place but shall not sit while either House is actually sitting unless leave is granted by that House.
 - (6) That the committee shall have the power to send for persons, papers and records and commission reports whenever it may be necessary.
 - (7) That five members of the committee, irrespective of the House by which they were appointed, shall constitute a quorum of the committee and, so long as a quorum is present at any meeting, the members present shall be competent to exercise and perform all the powers, authorities and functions of the committee.
 - (8) That the first meeting of the committee be held at a time and place appointed by the chairman.
 - (9) That the committee have leave to report from time to time on its proceedings.
 - (10) That when the committee has concluded its sittings a copy of its report, signed by the chairman, shall be presented to each House by one of the members appointed by that House to serve on the committee.
 - (11) That the chairman of the committee shall have power to make arrangements with the Clerk of the Legislative Council for the provision of clerical assistance to the committee.
 - (12) That the foregoing provisions of this resolution so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the Standing Orders.
 - (13) That in respect of matters not provided for in this resolution the Standing Orders of the House relating to select committees shall be followed as far as they can be applied.
 - (14) That a message be sent to the Legislative Assembly acquainting it of this resolution and requesting it to agree to the appointment of a joint select committee in accordance with the terms of this resolution and to take action accordingly.

The PRESIDENT: Honourable members, before I call for a seconder to this proposal, because of its complexity and because of several points in it, it is my intention to leave the Chair to consider whether or not it is a proper amendment with which we should deal.

I will leave the Chair until the ringing of the bells.

Sitting suspended from 5.49 to 7.30 p.m.

President's Ruling

The PRESIDENT: I wish to report that, following my earlier statement expressing concern as to the admissibility of the amendment proposed by the Hon. D. K. Dans, I have now given consideration to the matter and rule that it is in order.

Debate (on amendment to motion) Resumed

THE HON. J. M. BERINSON (North-East Metropolitan) [7.32 p.m.]: I second the amendment. If we put Mr Pike's motion and Mr Dans' amendment side by side, the following appears: Firstly, both the motion and the amendment are directed towards the same end aim; namely, some system of providing a parliamentary review of the activities of semi-Government or autonomous Government agencies.

Secondly, while the motion seeks an inquiry by a relatively small number of members drawn from this House alone, the amendment proposes that the inquiry be conducted by a larger body of members drawn from both Houses of the Parliament.

Thirdly, the motion proposes to establish a committee to consider the desirability of a committee to consider "Qangos" whereas Mr Dans' amendment attempts to cut through at least the first part of that process by going directly to a parliamentary inquiry into the authorities themselves.

I would think that a substantive inquiry into semi-Government authorities is so self-evidently justified that we do not need a preliminary committee to tell us whether or not it is justified; that is my first reason for supporting the amendment.

I also believe that semi-Government authorities are now so extensive in number and so pervasive in their influence, that a committee as small as three members, as could follow from Mr Pike's motion, would be grossly inadequate for any

purpose related thereto; that is the second reason for my supporting the amendment.

Liberal Governments are very adept at condemning big Government, while themselves practicing big Government. They extoll the efficiency of the private sector as opposed to the public sector, conveniently ignoring that when in government, they are the public sector so that if there is inefficiency in the public sector—as I have not the slightest doubt there is—it is the Liberal Governments which should be doing something about it.

The Hon. P. H. Wells: As they have done in Victoria and in the Federal sphere.

The Hon. J. M. BERINSON: That is what I am inviting the present Government to assist us to do. This is a matter of course which goes beyond the semi-Government sphere, and which may be considered by analogy to the Government itself and the Public Service proper.

The primary question in this area is: How well does the Public Service serve the public? Most people seem to believe, "Not well enough." For myself, I must say I have no real cause for serious complaint. It was interesting during the course of Mr Dans' comments to hear the interjections at one stage, when members from all sides of the Chamber seemed anxious to compete with each other in extolling both the virtue and efficiency of the Public Service. One could almost feel an election coming on!

The truth is that, in the absence of independent audit, no-one really knows. We do not know whether the service provided by the Public Service is as good as it should be. More than that, even if the service is good we have no way of telling whether it is being provided as efficiently and economically as it ought to be.

That is only one question we might ask about the Public Service; and, as the Hon. Sandy Lewis indicates by his manner, there are many others.

What, for example, is the return to the public in terms of special service for the special privileges which the Public Service enjoys? Again, to what extent is the Public Service adapting or is even capable of adapting to the need for a changing balance between the legitimate expectations of white collar—particularly graduate white collar—workers on the one hand, and skilled tradesmen and blue collar workers on the other?

To what extent, if any, is the influence of the bureaucracy excessive, making desirable some additional checks and balances, such as the Parliament could provide?

In the last week of the sitting, one of the most experienced members in this House, the Hon. Graham MacKinnon, was heard to describe a former public servant as "the best Under Secretary under whom he"—that is, the Minister (the Hon. G. C. MacKinnon)—"had served". That comment reverses all the theories of ministerial-departmental relationships. Even allowing that, no doubt, a slip of the tongue was involved, it was a most instructive slip of the tongue, and one which might well lead us to the conclusion that the lapse of time since the last Royal Commission into the Western Australian Public Service in 1902 perhaps is too long.

To return to the statutory and other authorities immediately brought into question both by the motion and the amendment, one of the few things which may be said with certainty is that there is no shortage of them; nor is there any let-up in the pace at which they are being expanded. In fact, we heard some account of that earlier in the day from Mr Dans.

During the election campaign this year the Labor Party presented what I believe was the first comprehensive policy on the topic. It was headed "Curbing bureaucracy in the 80's". The policy was distributed in February. As Mr Dans earlier pointed out, at that time there were already over 200 statutory authorities in the State. Since then, another 25 have been added. The sheer number of these bodies is in itself an argument against the adequacy of a three-member committee of inquiry and an argument in favour of the Dans amendment, which would apply nine members to the task.

As well as that, there is the consideration that the scope and influence of the "Qangos" are now so extensive that as wide as possible a representation of the Parliament ought to try to get to grips with them. That task requires a reasonable number of members; it also requires members of both Houses. Again, it is the amendment which would secure that broad cover, while the motion itself would not.

As a further comment in support of the amendment, I invite the attention of members to the very large scale of enterprise in which some of these authorities are engaged. It would be easy to gain the impression from Mr Pike's speech to his motion—although I do not suggest this was his intention—that his main concern was with the proliferation of the number of these agencies, and the desirability of trimming that number where the authorities had either outlived their usefulness or had never justified their existence. That could well be one aspect to be explored.

However, it is only one such aspect. I would suggest that the more serious long-term interests of the committee would be in the major agencies, which are certainly not superfluous and are certainly here to stay. I refer to authorities such as the State Energy Commission, the State Housing Commission, the Motor Vehicle Insurance Trust, the State Government Insurance Office, and so on. These now are virtually independent empires and they have a capacity to affect the public in innumerable and costly ways and are virtually free of any regular, independent scrutiny.

The undesirability of that situation was well set out in an editorial in *The Weekend Australian* of 27-28 September this year, which referred to some earlier remarks by Senator Rae. I propose to quote this editorial only in part. The relevant section reads as follows—

As the chairman of the Senate's Standing Committee on Finance and Government Operations, Senator Peter Rae ... has repeatedly pointed out, these bodies have a major impact on Australia's economy, taking up funds from the private sector and, in their rush to raise money, bidding up the interest rate market.

And, as Senator Rae pointed out ... many of these authorities are in a specially privileged position, accountable to nobody and refusing to account. His demand that such authorities disclose the full and true cost of their activities to the taxpayer, the net resources devoted to their activities, and their solvency, all to be determined on a proper accounting basis, is in no way unreasonable. It is, in fact, absolutely essential.

Senator Rae made perhaps one of his most telling points when he demonstrated that statutory authorities and their bureaucrats lead a charmed life when compared with organisation in the private sector with which the "qangoes" sometimes seek to compare themselves. Organisations such as the Australian Wheat Board or the Australian Egg Board, he pointed out, have no competitive benchmark. "These bodies have monopoly powers and thus the market cannot judge their performances," he said. Neither, he might have added, can the shareholders—the taxpayers—judge their performances, or vote the directors and executives out at an annual general meeting. Appointed by the Government, the executives and senior bureaucrats are not only protected by normal Public Service regulations but by Governments which will not sack them if

they are inefficient for fear of losing face by admitting the wrong appointments were made in the first place.

Those comments, I would submit, are readily transferable from Commonwealth to State and from the particular primary industry agencies referred to, to agencies in general.

It is essential in my view that the agencies act reasonably, not only from their own and their immediate clients' point of view, but also with a view to proper consideration of the wider public interests.

The recent SEC change to more frequent rendering of accounts may serve as a case in point at this stage.

For a net benefit to the SEC of about \$600 000 per year I would estimate an additional cost to the public of close on \$2 million per year. The balance is dead loss, accounted for by a mountain of paper being shuffled from one place to another with about one million extra accounts a year and all the postage, stationery, and bookkeeping which those million pieces of paper involve. It is all utter waste. It is as wasteful as the SEC continuing to light up its head office at night like a beacon whilst exhorting the public to conserve energy.

In this debate we are dealing with public bodies with huge work forces. I do not pretend to be able accurately to estimate the work force, but I suggest it would be something close to 100 000. We are talking about organisations whose collective income each year exceeds that of the Consolidated Revenue Fund of the State Budget. Yet these same organisations are organisations which have virtually no parliamentary control exercised over them and which have a very extensive parliamentary ignorance of the nature of their work and function.

It seems to me that in this whole debate there is no dispute in principle between Mr Pike's motion and Mr Dans' amendment. Both share the same end concern. But there is a question as to the best and most efficient means of pursuing the end aim which they both seek.

I put it to members that the end aim will be better served by a committee of nine rather than by a committee of three. It will be better served by a committee drawn from both Houses rather than from this House only, and it will be better served if it can get down to work at once on the main point of the inquiry rather than spend further time inquiring as to whether such an exercise is desirable. It is for all those reasons that I support the amendment moved by the Hon. Des Dans and urge members of the House to lend their support also.

Debate adjourned, on motion by the Hon. M. McAleer.

WILDLIFE CONSERVATION AMENDMENT BILL

Second Reading

Debate resumed from 17 September.

THE HON. H. W. OLNEY (South Metropolitan) [7.48 p.m.]: The Opposition does not oppose this amending legislation introduced by the Government. However, it does seek to make a couple of brief comments on the need for the legislation. The Minister's second reading speech discloses that the Wildlife Conservation Act has been amended on a number of occasions in recent times. Two amendments passed in 1976 and in 1979, were proclaimed to come into operation in April 1980. The provisions which were inserted by these previous amendments, as the Minister said, were drafted so that the issue of licences was provided for in the Act and not in the regulations. In making that amendment the Parliament chose to use the words—no doubt because they were suggested by the Parliamentary Counsel—"for such period or periods as are so specified" as the period for which a licence under the Act could be issued.

The Minister said in his second reading speech that it was thought that those words meant that licences could be issued for a full year or any other period less than a year. That seems to be a fairly sensible construction to put on the phrase, "for such period or periods as are so specified". But it transpires that Parliamentary Counsel has given advice to the effect that the word "period" refers only to parts of a year. We are not given any other information except the hearsay advice from the Parliamentary Counsel that the word "period" refers only to part of a year.

After consulting with some of my learned friends around the House, some of whom have studied statutory interpretations more recently than I have, I must conclude that I have missed out on a House of Lords decision or Privy Council decision to the effect that a year cannot be a period. I could not find anyone knowing anything about this. Perhaps I should have rung the Parliamentary Counsel, but he probably would not have known. I probably would have got the wrong one.

So we are faced with a situation where all the machinery of government is brought to bear on this very important issue that the word used in a Statute, which has been recently amended on a number of occasions, has to be further amended to make it clear that a licence under the Act can

be issued for a term of a year, or as the Government would want to have it, a term of a year or a term of less than a year if that is the period which the Minister has determined.

As a newcomer to this House and as one who gets his fair share of criticism for nitpicking and being pedantic, it does seem to me that the Parliamentary Counsel outdoes us all in some of the views he expresses to Ministers. I would have thought that perhaps it would be helpful when this sort of legislation comes along in future that the Minister might tell us a bit more about the advice which the Parliamentary Counsel has given on these very technical and difficult-to-follow interpretations he places on his own legislation of a year or two ago.

I said the Opposition does not oppose the legislation. It supported the previous legislation. Members of the Opposition are aware that the Hon. Sandy Lewis has some reservations about the proposal which really do not go to the actual intent of the amendment, but are connected with it.

We had a problem with deputy chairmen the last time we were here with respect to some "qaso" to do with waterways. We had a problem because the Parliamentary Draftsman had forgotten to provide for deputy chairmen. I suggested the Interpretation Act should be looked at and that we have written into all our laws that where we have the word "chairman" it includes the power to appoint a deputy chairman. I wonder whether we should have a further amendment to the Interpretation Act so that when we see the term "period or periods" in a Statute we know it can mean a year or more than a year. If we do not we will be amending many other Acts. With those few comments I indicate the attitude of the Opposition to this Bill.

THE HON. A. A. LEWIS (Lower Central) [7.49 p.m.]: It is not unusual for me to rise on the subject of wildflowers. Again the Government does itself a disservice by bringing in more amendments which achieve absolutely nothing. The other day the Hon. J. M. Berinson discussed the reprinting of Acts and when we look at the amendments which this Government has brought in—

The Hon. G. E. Masters: It has just been reprinted.

The Hon. A. A. LEWIS: But not in time for any member in this place to get the Act before tonight. That is the sort of frivolous attitude I expect of the Minister. I have had two previous Ministers—the present Leader of the House and the past Leader of the House—who tended to be

very frivolous with the topic of flora and fauna conservation. As the Hon. Howard Olney has just said, two years go by before the amendments are proclaimed. In fact, an amendment Mr Olney did not know about had to be amended before it could be proclaimed. This is the same type of Bill.

What is the Government trying to do? Is it trying to stop our wives, girlfriends, and children picking the odd wildflower? It is making them need a licence and is making it necessary for the department to send out inspectors to apprehend people who do not have a licence. People get their licences on 1 October and the period for the licence expires on 30 September the following year. So when the next wildflower season comes along these people have to pay another \$2 for a further licence. I point out that it costs the Government more than \$2 to issue the licence, but this does not seem to worry the Government. And when the next season starts and the people have no licence, away go the heavy-footed inspectors to see whose licence is out of date.

I have heard some nonsensical suggestions in my life and this amendment is one of them. However, I will be moving amendments in the Committee stage to allow private individuals who love wildflowers the chance to be granted a licence for a period of five years. I am sure people would not mind spending up to \$8 to know they would be covered for five years.

It is amazing to consider the attitude of this country and particularly this State on the subject of wildflowers. When we travel overseas we find that Israel is making millions of dollars, just as South Africa is, by selling flora which is indigenous to Australia. They are exporting our indigenous flora to Europe. Both these countries are growing these plants from seeds. South Africa exports proteas and receives some seven million or eight million rand a year.

However, if some small school child or a mother wants to go out and pick just one wildflower in this State the Minister wants them to be bound by a little piece of paper. The Minister for Lands has been shown in Kings Park just what can be done with the propagation of wildflowers in this State.

Let us consider what is happening with the clearing of land in Western Australia. I wonder whether the poor bulldozer driver—and the Attorney General will remember my previous remarks on this topic—will have to have an annual licence because he is pushing wildflowers out of the ground. This is a nonsensical Bill. It appears to me that it is licensing the picking of wildflowers just for the sake of giving someone

something to do. It is a pity we were not extending the committee referred to earlier to inquire into certain Government departments.

I am worried that next year we will have a Bill to introduce licensing for one year and perhaps one week. That would be as silly as this Bill. Why cannot the Minister just say that licences should be issued? Why cannot he say that the department will prescribe the duration of the licences? The Minister has a history of questions which have been asked in this House which he can refer to such as the one relating to George Masters pinching eggs and birds' nests in 1883. Now, that man did not have to have a licence to take them.

My wife has to have a licence to pick a wildflower. I ask: What can we do about tourist bus operators? Often 40 people are in a tourist bus and should we collect \$2 apiece for an annual licence from them instead of saying to the bus operators they can have valid cover for all their buses throughout the year for \$50?

The trouble with the people in the departments is they have blinkered vision. They will not look at what could happen with a little sensible administration. I warrant the department will lose money on this issue of licences. It will be very interesting to hear what fee will be charged. Does the Minister think he can solve the unemployment problems by employing people to issue licences?

I recall, beyond the memory of some members here, the time when the present Premier, who was then in Opposition under the Hawke Government, said they should get rid of all these petty little licences for bicycles, etc. Now we are falling into the same trap. The Government is going overboard with petty licensing which will achieve nothing at all in the conservation field.

The Hon. W. R. Withers: This was recommended by departmental officers.

The Hon. A. A. LEWIS: That is what worries me! We have this sort of nonsense brought before us. The department has asked the Minister to bring this matter forward. It is an insult to the Minister that he should be asked to do this and it is an insult to us to be asked to pass such legislation.

I have notified the House that I have amendments to the legislation.

THE HON. G. E. MASTERS (West—Minister for Fisheries and Wildlife) [8.03 p.m.]: I thank Mr Olney and the Opposition for their support of the legislation and I am sure they understand the importance of it. There has been a need to look at the legislation and the wording, particularly

because the control of fauna and flora has come under the administration of Fisheries and Wildlife and as such, examination has been made of the requirements for an annual licence for the taking of protected flora. It was considered necessary to have an annual licence.

I am sure that there is a misunderstanding of the words as Mr Olney has said with regard to the period of a year and whether or not it is part of a year or the whole of the year.

However, that is the advice given to me by the department but I assure Mr Lewis that it was my decision to bring this legislation forward and not the decision of my department. I do not wish the department to be blamed for it.

The Hon. A. A. Lewis: I am further horrified.

The Hon. G. E. MASTERS: Mr Olney said that we should look at the Interpretation Act. A number of proposals which have been put forward in recent times suggest that this is a step we should take.

On every occasion the subjects of fisheries, wildlife, flora, and fauna have been discussed in this House, Mr Lewis has made some comments. I will not enter into any argument on those lines. I am sorry that the reprinted Act was not available to Mr Lewis and I assure him that I will make sure that a copy is available to him tomorrow.

I know that Mr Lewis has been very much involved in the area of flora. He represents the flora and fauna-taking area and some of his constituents are very interested and concerned about this important matter. I respect Mr Lewis' views and I do not consider them with any hilarity. I consider his views seriously.

It is important that all members recognise the fact that it is imperative we protect our native flora. We in this State are renowned throughout the world for our flora. People travel from all parts of the world to see our flora, particularly at this time of the year.

I suggest that the commercial outlets and producers should have an annual licence to take flora. There is no argument in this respect. However, Mr Lewis did suggest we are having a go at little old ladies, school children, and others who will have to take out an annual licence each year to pick wildflowers. I remind the honourable member we are talking about protecting flora. For people who wish to take native flora for specific purposes, those purposes are listed under the regulations as scientific and educational purposes; that is, encouraging the identification, qualification, and the like, and for propagation purposes and personal enjoyment—in other words, display and study. I would suggest that if

there were not a system to license on an annual basis, then there would be no way of keeping records of what was taken and in particular from where it was taken.

The Hon. H. W. Gayfer: That would be worse than selling two bottles of wine from the Swan Valley!

The Hon. G. E. MASTERS: We will talk about that later. Where there is a taking of native flora it is a very important matter, especially in drought areas. For example, people should be advised not to take native flora from drought areas. People should be encouraged to stay away and be advised where they may go.

With the Act as it is now, if a person took out a licence tomorrow it could be used for the rest of his life. That is a silly situation. It is quite ridiculous; and in the interests of the protected native flora of this State, especially when droughts are involved and there is a shortage of protected native flora, it is obvious that the department should be able to protect and control the taking of it. The department must be able to keep a record.

The Hon. T. Knight: What is the penalty for not having a licence?

The purpose of the department is to protect; it is not to rush around all over the bush apprehending people and saying it is bad to pick flora.

The Hon. A. A. Lewis: Then why do we do it?

The Hon. G. E. MASTERS: I point out again we must have some control. When flora is being taken in large quantities and a challenge is issued to the person involved, then it is obvious there should be a need for that person to produce a permit or licence.

It is not the purpose or wish of the department to have hoards of rangers and inspectors rushing around apprehending people. This is a proposal to use the limited resources of the department in a kindly way to educate the public that it is wrong to take protected native flora, and when people take large quantities they should have an annual licence. This is a necessary step. It is not harsh and not something—as Mr Lewis suggests—which will be used to apprehend people willy-nilly. Mr Lewis should not believe I would support such a proposal, any more than the departmental officers would.

I thank the Opposition members for recognising this is an important matter and for recognising the importance of the issuing of licences. We are not joking about the taking of native flora; we consider the matter to be a very important issue.

We recognise that the protected flora in this State should be protected reasonably and in a kindly way. I thank members for indicating they support the Bill before us.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (the Hon. R. J. L. Williams) in the Chair; the Hon. G. E. Masters (Minister for Fisheries and Wildlife) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Section 23C amended—

The Hon. A. A. LEWIS: I move an amendment—

Page 2, line 10—Delete the word “shorter” and substitute the word “other”.

I might not know much about the subject, but I am beginning to feel I know more than the Minister when he says “we will issue licences for 12 months, but what about the drought areas?” How can we know that an area will be a drought area at the beginning of next year? Really, that argument fails dismally.

As far as the words “licences for the rest of his life” are concerned, I am not suggesting that a person should hold a licence for the rest of his life. I have suggested it should be for a longer period than 12 months. I have no objection to commercial growers holding a licence for a period of one year, but I think it would be very sensible for a person who wishes to pick wildflowers to have a licence for five years.

The Minister did not answer my question about the cost of issuing the licences.

The Hon. G. E. Masters: My apologies.

The Hon. A. A. LEWIS: It will amuse me no end if the Minister has real figures to quote to me.

The inspectors could do more by being traded in on some botanists. There are approximately 70 specimens of orchids in my area which, to the best of my knowledge, have not been named, so how does the Minister know whether or not they are protected or whether or not they are endangered species? Those species have not been named because we spend so much time on this sort of nonsense about licensing and not enough time employing botanists to name and identify the species. This situation has existed for many years and it is not the first time I have made such a complaint. This is bureaucracy gone mad. Members will understand what I am attempting

to do with my amendments. They will make it easier for the Minister and his department and the very important people we represent—the public.

The Hon. T. KNIGHT: I believe Mr Lewis' suggestion is a valid one because at some time in the future the Minister may wish to shorten or lengthen the period and by using the word "other" it would allow the department the flexibility to work on a shorter or longer period. The word "other" suits the legislation because the arrangement between the Minister, his staff, and the public could be changed to suit the conditions which prevail at the time.

The Minister mentioned a drought period. I think the word "other" is more suitable and gives more flexibility to the clause and the Act in general.

The Hon. G. E. MASTERS: Obviously, I will oppose the amendment to the Bill.

The Hon. A. A. Lewis: Why obviously?

The Hon. G. E. MASTERS: I will explain. Mr Lewis spoke about drought areas, but I am suggesting where a member of the public wishes to take protected flora and today, tomorrow, or next week seeks to gain a licence, if the department is aware that the particular areas were affected by drought or were in a damaged condition it could give advice to that person. The department is able to give advice on that particular subject. I am not saying it will happen at all times, but that it could happen under certain circumstances. For instance, serious drought conditions exist in Mr Gayfer's area at this time, and perhaps the flora should be protected. The drought might last for two or three years.

Mr Lewis is correct in saying the department would not make any profit out of the licence. It was my idea to keep the cost of the licence low because I did not want to discourage people from obtaining licences and going to the department for advice. By keeping the cost of the licence very low, people would be encouraged to take the protected flora for educational and research purposes, and certainly the younger people in the community would not be discouraged from obtaining a licence. I was prepared to accept the fact that we would not make a profit out of it. I maintain it should be necessary for people to obtain a licence annually at a low cost. All they have to do is walk into the department and ask for a licence. A register can be kept and the conditions can be monitored at all times. It is very reasonable and is not asking too much of the

public, generally, bearing in mind the importance of the native flora to this State.

Mr Knight said he thought it would be a good idea if people could obtain a licence for a longer period. I suggest an annual licence is something which is generally recognised in the community. It applies to the taking of fauna and there should be uniformity in the department in regard to licences. The obtaining of a licence should be a simple process which does not incur great bother or cost. I therefore oppose the amendment.

The Hon. A. A. LEWIS: I am taking up the point about drought. The Minister prescribes what should be in the licence from the start. He has that power anyway. He has power to give notice in the Press or to the licence holders if he is concerned about drought areas. But really, drought is a big red herring which the Minister is dragging across this matter. He has admitted that the cost of issuing licences will be as much as or more than the licence fee, but he could be putting the extra money from a five-year licence into conservation. None of his arguments hold water.

The Hon. NEIL McNEILL: I must confess that I am a simple soul in this exercise, but when I read the Minister's second reading speech and take note of the comments of the Hon. Howard Olney as to the reasons for the amending Bill, they all hinge on the interpretation of the advice of the Parliamentary Draftsman in regard to the term "period". Reference has been made to a period of less than a year. I wonder whether, with Mr Lewis' amendment, we will finish up with 12 months or such other period. I would have thought the effect of that would be to come back to the problem which faced the Minister with a period of less than 12 months. I wonder whether the consequence of Mr Lewis' amendment would be to restrict the licence to 12 months or some period less than 12 months. I take as my basis the explanation given by the Minister in relation to the Bill.

The Hon. T. KNIGHT: The Minister seems to be working on the basis that it will be 12 months or a shorter period. Under the Bill the licence is valid for 12 months from the date of issue. That is clearly stated. I am of the opinion that the most sensible way to put it is in the terms of Mr Lewis' amendment. It gives flexibility to the department and the Minister to issue a licence for another period, whether it be longer or shorter.

The Hon. A. A. LEWIS: Going back to the Minister's second reading speech, I have some doubts about the Parliamentary Draftsman, as Mr Olney did. Why did he use the words "shorter period" if the period is shorter than 12 months? I

would have thought "other period" meant a period either shorter or longer than 12 months. The Minister's second reading speech dwells a little on the period, and if the Bill means less than 12 months, why does it contain the words "a shorter period"? Why did the Parliamentary Draftsman not leave it at "period"?

The Hon. G. E. MASTERS: I can only follow the advice of Crown Law and it seems to me the Bill is perfectly clear and sensible. I suggest that a shorter period than that stated in the licence must be less than 12 months, and that the maximum period of a licence will be 12 months. I believe the clause is quite specific and clear in its intent. Bearing in mind all the circumstances, it is quite sensible to have an annual licence at a very reasonable cost so that a register can be kept and advice can be given at the appropriate time. It will worry no-one at all and will in fact encourage people to come forward and use the facilities of the department to obtain a licence for educational, research, and other purposes.

The Hon. A. A. LEWIS: Will the Minister explain what he thinks "other period" will mean?

The Hon. H. W. OLNEY: I think I should comment on what the Hon. Neil McNeill said. It seems to be so correct that it has escaped Mr Lewis' attention. The whole amendment is based upon legal advice that the word "period" when used in this context refers only to part of a year. On his second, third, or perhaps fourth stab at this provision the Parliamentary Draftsman said, "We will eliminate the words 'for such period or periods as are specified' and make it quite clear that this means for a year or a shorter period. There can then be no argument about what it means."

On the basis on which the Bill was brought in, Mr Lewis' amendment would have to be interpreted in such a way that the Bill would read "for 12 months or other period" which will be shorter than a year. I therefore agree with what the Hon. Neil McNeill said. This debate may unearth a number of wildflowers but the argument is quite circuitous and not a useful exercise for this Parliament.

The Hon. A. A. LEWIS: I am quite prepared to move to delete "shorter period" and insert "other length of time".

The Hon. G. E. MASTERS: I cannot accept "other length of time", either; and I do not think Mr Lewis would expect me to accept it. Anyone would clearly understand that the Bill provides a maximum period of 12 months or a period less than 12 months.

The Hon. A. A. LEWIS: That is what we call blinkered thinking and inflexibility in the extreme. I would like your guidance, Mr Deputy Chairman (the Hon. R. J. L. Williams), about deleting from my amendment—

The DEPUTY CHAIRMAN (the Hon. R. J. L. Williams): We will have to deal with your amendment first, unless you seek leave to withdraw it.

The Hon. A. A. LEWIS: I will seek leave to withdraw it in order to move another amendment. If we are to be so crazy about this period, and if the draftsman really means what the Minister says he means, I am horrified, and I am sure other members who understand the English language also will be horrified. I seek the leave of the Committee to withdraw my amendment.

Amendment, by leave, withdrawn.

The Hon. A. A. LEWIS: Mr Deputy Chairman (the Hon. R. J. L. Williams), I apologise to you and the Clerks. I move an amendment—

Page 2, line 10—Delete the words "shorter period" and substitute the words "other length of time."

I think that will overcome Mr Neil McNeill's objection.

The Hon. G. E. MASTERS: It is quite clear it is my intention that the maximum time for a licence should be 12 months, and that a licence may be issued for a shorter period. I emphasise that it could be for a period shorter than 12 months. Under this amendment moved by Mr Lewis the "other length of time" could be three months, six months, 18 months, or 10 years. I am seeking simply to say that it should be an annual licence, or one for a shorter period. I reject the amendment.

Amendment put and negatived.

Clause put and passed.

Clause 3: Section 23D amended—

The Hon. A. A. LEWIS: As my previous amendment was defeated there is no use in my proceeding with my other amendment.

Clause put and passed.

Clause 4 put and passed.

Title—

The Hon. A. A. LEWIS: I am greatly disappointed that the Minister has seen fit to turn a blind eye to this matter. I believe this reflects not only on himself, but also on his department and it shows he does not trust the people of Western Australia to husband their flora in the way they have done in the past. I hope the Minister realises the rod he is making for his back

and that of his department, because many people will hound his department for answers and definitions in respect of species. I make no bones about the fact that I will be one of them. If the department can spend its time stopping dear old ladies and little children picking flowers, which they may do once a year or once every three years, and has not time to do its own scientific work then it must suffer. Lord help us! The department never collects anything; it is the private people who collect flora for the department to work on. I hope the Minister knows what he and his department are doing to the collection of flora in this State. I dread the day that inspectors chase people around for picking flowers. The Minister and his department do not know what flora we have in this fine State.

The Hon. G. E. MASTERS: I am sure Mr Lewis does not mean all he has just said.

The Hon. A. A. Lewis: I mean every bit of it.

The Hon. G. E. MASTERS: I would be very surprised if he really did, and if he was serious when he said I do not trust the people of Western Australia. That is a silly thing to say. I am sure the people are very much aware of the importance and the value of native flora to this State.

I do not accept his criticism of the department. It is a competent and able department. Perhaps I am a little biased, but I think it is one of the best. Any decision made to bring this matter forward to the Parliament was my decision and not that of the department. Certainly I accept advice from the department and I follow that advice; but not at all times. I must make the decision.

I do not support Mr Lewis' comment that the department has a lack of expertise in respect of the collection of scientific samples.

The Hon. A. A. Lewis: You didn't listen to what I said. I said you are spending time on police tactics rather than on botanical matters.

The Hon. G. E. MASTERS: That is a silly thing to say. We have rangers and inspectors who are working for the good of native flora and fauna in this State, and protecting it to the advantage of the public. I do not accept the implication that they are rushing around apprehending people. That is not so, and Mr Lewis knows it. I doubt whether he could give me one instance of a person being fined or apprehended for picking wildflowers.

Knowing Mr Lewis' background, and knowing how keen he is to protect native flora and fauna, I think perhaps he is doing a little kite flying. I am sure he knows in his heart the department is doing the best possible job given the finance and manpower available to it.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

ADOPTION OF CHILDREN AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. D. J. Wordsworth (Minister for Lands), read a first time.

Second Reading

THE HON. D. J. WORDSWORTH (South—Minister for Lands) [8.40 p.m.]: I move—

That the Bill be now read a second time.

This Bill contains a number of measures, the first being to give judges of the Family Court power to reduce the period of notice which must be given to the Director of Community Welfare before an application for an adoption order is made.

When a notice is received, inquiries are made to ensure that the applicants are suitable people to adopt a child and a report to the Family Court is generally prepared.

Should a married couple apply to adopt a child and one of them is the child's father or mother, the director can decide not to prepare a report unless requested by a judge. In these cases, the 30-day period of notice may be unnecessarily long, and it may be appropriate for a judge to reduce the period. Alternatively, it may be desirable for a court to be able to expedite an adoption when the adopting parents are leaving the State because of the husband's work commitments.

The Bill also gives judges power to reduce or dispense with the notice which must be given to a deceased parent's family, in cases where the surviving parent has remarried and wishes to adopt the child into the marriage.

With regard to a closely-knit family, a judge may wish to reduce the period of notice because the child's relatives already know and approve of the proposed adoption. In other families, the applicant may have lost touch with the relative and so be unable to serve the relative with the notice. In such instances, the judge may consider it appropriate to dispense with notice altogether.

There has been uncertainty in the Family Court in cases where adopting parents have different surnames, because the wife has retained her own surname after marriage. This Bill provides that an

adopted child, like any other child of married parents, will take the surname of the adopting father.

At present an overseas adoption is recognised in Western Australia only if, among other things, the adopting parent or parents were resident or domiciled in the country where the adoption order was made. Consequently, Australian families who have gone overseas and adopted a child by obtaining a valid adoption order in the country of the child's birth have found they have had to make a further application for adoption on their return to Australia.

The Bill seeks to repeal this requirement to allow due recognition to be given to the orders of overseas courts and to remove the implication that they are not competent to make orders for children who are citizens of their countries. It is understood that similar legislation has already been adopted in New South Wales, and it is intended the same step will be taken in the other Australian States.

A further amendment provides that the Director of Community Welfare may supervise children who have been adopted overseas for less than a year before they enter Australia, if the child and both the adopters were not nationals of the country where the adoption order was granted. The relevant clause provides safeguards for children in families where there may be problems because the adopting parents are of a different nationality and the adoption has not stood the test of time. In cases where supervision is obviously unnecessary, the director would have power to exempt the child.

The proposed period of supervision is 12 months, but this period would be reduced proportionately if a child has been resident in New Zealand or another Australian State since the adoption order was granted. Supervision would give the director and his officers access to the child and would enable advice and assistance to be given to the family. However, this proposal would not provide any authority to remove the child from the home. An application would need to be made to the Children's Court and the child found in need of care and protection before the child could be taken into the care of the department against the wishes of the adopting parents.

Finally, the Bill seeks to remedy two long-standing problems. When a child is placed with a family for adoption there is usually a period of about six months while the child settles in before an application for adoption is made to the Family Court. The Bill seeks to prevent a child being

taken out of the State during this period without the director's consent. The director is the guardian of children placed for adoption with people who are not relatives of the child and of children brought to this State for adoption. The director needs to know where the children are so that he can carry out his responsibilities towards them.

The proposed new section seeks to prevent action by the director being frustrated by the adopting parents, the natural parent, or any other person removing the child from the State—that is, pending completion of the adoption process. Further, if the director is informed of the child's departure, he can make arrangements for the adoption process to continue at the child's destination.

Provision is included which enables the Minister to determine appropriate charges for preparing adoption applications when they are prepared by the Department for Community Welfare. Some doubt has been cast on the present practice of making a standard charge in all cases by advice which indicates that the director may be entitled to recover only the expenses involved, which vary from case to case. This amendment is intended to ensure that current practice may continue.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. H. W. Olney.

RURAL YOUTH MOVEMENT AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. D. J. Wordsworth (Minister for Lands), read a first time.

Second Reading

THE HON. D. J. WORDSWORTH (South—Minister for Lands) [8.46 p.m.]: I move—

That the Bill be now read a second time.

This Bill seeks to amend the Rural Youth Movement Act, 1955-1974, in the following ways: The first is to change the name of the council established under the Act from "The Council for the Advancement of the Rural Youth Movement" to "The Rural Youth Movement Council", the name by which it has in fact been known for several years. This title change will in no way affect the rights, powers, and corporate responsibilities of the body as described in the Act.

The second amendment will enable the council to alter its composition so as to be consistent with its role as an advisory body to an organisation of young people in a rapidly changing society. It is proposed that the Rural Youth Movement Council shall have no fewer than 10 members and no more than 12, of whom three shall be representatives of the Rural Youth Federation and at least one adult adviser. The remaining members of the council shall be appointed by the Minister from the community, and shall be persons having special interests and expertise in areas such as finance, development of youth, education, civic affairs, women's affairs, agriculture, local government, and the like. The term of appointment for councillors shall be for a period up to three years, and retiring councillors shall be eligible for reappointment.

Finally the Rural Youth Movement Council will be provided with the ability to appoint subcommittees of a regional or specific nature. These changes will help provide a more effective service for young country people.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. R. Hetherington.

MURDOCH UNIVERSITY AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. D. J. Wordsworth (Minister for Lands), read a first time.

Second Reading

THE HON. D. J. WORDSWORTH (South—Minister for Lands) [8.48 p.m.]: I move—

That the Bill be now read a second time.

The amendments contained in this Bill are presented at the request of the Senate of the Murdoch University. They fall into two categories; namely, those to section 12 of the Act dealing with membership of the senate, and those to section 24 of the Act dealing with parking.

In general, the amendments to the membership of the senate increase the number of academic staff members, provide for representation of the non-academic staff, and specify for certain other categories of membership that the staff of the university are not eligible for consideration. It is proposed that the number of academic staff to be elected to membership of the senate be increased from three to four. This will bring the provision into line with that of the University of Western Australia Act.

The Bill also seeks to permit the election of one non-academic staff member to the senate, thus giving representation to that section of the staff. Provision is made so that members of staff of the university and of any other tertiary institutions cannot be included among the three members co-opted by the senate and, further, that members of the staff, both academic and other, cannot be included in those members elected to the senate by convocation. This provision is consistent with the restrictions placed on membership in certain other categories.

The amendments concerned with parking are technical in nature and are designed to clarify and validate present practice. In this regard, the Bill makes provision to include the word "permit" since both "permit" and "ticket" are used in the by-laws and for by-laws to specify the circumstances for the responsibility of the permit holder and the owner of a vehicle.

A validation clause is included to cover action that has been taken under the present by-laws, until such time as the proposed amendments to section 24 take effect.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. R. Hetherington.

NATIONAL COMPANIES AND SECURITIES COMMISSION (STATE PROVISIONS) BILL

Report

Report of Committee adopted.

ADJOURNMENT OF THE HOUSE

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [8.52 p.m.]: I move—

That the House do now adjourn.

Miller, the late Captain Horrie: Condolence

THE HON. P. H. LOCKYER (Lower North) [8.53 p.m.]: I rise briefly because I believe this occasion should be used to commemorate the passing of a pioneer of this State in the person of Captain Horrie Miller. Captain Miller was one of the unsung heroes of this State. He commenced the airline which now carries the name MacRobertson Miller Airline, firstly in South Australia and then in the very early stages of aviation history in Western Australian.

The late Captain Miller was a true pioneer, not only in Australia but also in the world. When he began flying in this State, aviation was in its very

embryonic stage. His contribution to it was a very fine one.

I was privileged to know Captain Miller quite well as he spent nearly all his life in the north of the State. He was a quiet, unassuming man who did not seek publicity. He was an extremely clever man in his own right. At one stage he had a licence not only to fly but also to design and service aircraft. He was not recognised greatly in this State until very late in his career. I am very happy to say that three or four years ago two businessmen in Carnarvon, Mr Keith Hasleby and Mr Terry Cahill, who own a light aircraft charter company, did him the honour of dedicating one of their aircraft to him. Captain Miller was able to attend the dedication ceremony and was deeply touched at the proceedings. The aircraft was commissioned RMA *Horrie Miller*. Anyone who visits Carnarvon will see this aircraft at the Carnarvon Airport.

Horrie Miller loved Broome and spent the latter part of his life in that town, the town in which his remains will be interred next to his equally famous daughter, Robin Miller Dicks, whom he loved dearly. Her death through cancer just a short time ago was an irreparable loss to Horrie Miller.

His family is well known in this State. His wife, Dame Mary Durack Miller, is an authoress of great note, and a person who understands the northern part of this great State perhaps better than any other person in the pastoral industry in Australia today.

The MacRobertson Miller Airline will carry Horrie Miller's name for decades to come. Horrie Miller was not only a pioneer and a gentleman; he was also a good bloke.

Question put and passed.

House adjourned at 8.55 p.m.

QUESTIONS ON NOTICE

SEWERAGE

Septic Tanks: Griggs' System

238. The Hon. P. G. PENDAL, to the Minister representing the Minister for Water Resources:

- (1) Is the Minister or the Metropolitan Water Board aware of an invention patented by Mr E. C. Griggs, of Bayswater, which is a refinement of the present widely-used septic tank system?
- (2) Is the board aware that Mr Griggs sees this invention as a practical alternative to septs and, in some areas, an alternative to deep sewerage?
- (3) Is the board aware of claims that the invention costs the same as an ordinary septic to install, but that it does not need cleaning for up to 20 years?
- (4) Is the board aware of the claims that existing septs can be adapted to the Griggs' system at minimal cost?
- (5) Will the Minister arrange for an evaluation to be made either by the board independently or in conjunction with the CSIRO to determine—
 - (a) the effectiveness of the invention as an effluent disposal unit; and
 - (b) the effects of any discharge from the unit on the underground water supply?

The Hon. G. E. MASTERS replied:

- (1) to (4) It is understood that some years ago Mr E. C. Griggs discussed his septic tank system with an officer of the MWB. Consequently Mr Griggs referred the question to the responsible department—the Public Health Department.
- (5) (a) and (b) This matter ought to be raised with the Minister for Health, whose primary responsibility it is to approve of septic tank systems. However, a study—alternative waste water management study—is to proceed this year on a 50-50 basis with the Commonwealth and the MWB. Subject to further information the Minister shall ask the study group to lend its consideration to this proposed system.

SHOPPING CENTRES

Proliferation

251. The Hon. TOM McNEIL, to the Minister representing the Minister for Local Government:

On the ABC programme "Nationwide", Tuesday, 16 September, the Minister, whilst being interviewed on the proliferation of shopping complexes stated, "It is safe to assume that because of the number of shops available for tenancy there is an oversupply". In light of that remark would the Minister advise—

- (1) (a) What steps are contemplated to protect established small businesses;
- (b) whether local council submissions seeking to re-zone land for shopping complex developments will receive her continued ministerial approval; and
- (c) that where preliminary approval has already been granted by the Minister for land to be re-zoned, there will be no final approval granted until the need for such development can be justified?
- (2) Because her statement on "Nationwide" conflicts with her opinion expressed to me in a letter on 29 August, 1980, and I quote—"I would find it difficult to imagine an existing centre, with well established chain stores already operating would suffer irrevocable harm and it may be that a new complex would provide a stimulus to existing businesses"—does this indicate a change in Government policy?
- (3) If "Yes" to (2), what is the new Government policy on the continued development of shopping complexes?

The Hon. I. G. MEDCALF replied:

- (1) (a) None specifically related to land use. The Premier has already announced the establishment of a committee to study the question of a moratorium and has indicated the availability of advice through the Small Business Advisory Service.
- (b) Each re-zoning submission has been and will continue to be treated on its merits. Council's reasons for initiating an amendment, together with all submissions received during the advertising period will, as always be carefully considered before any decision is made.
- (c) Answered by (1)(b).
- (2) No. The statement of 16 September on "Nationwide" related to the metropolitan area; the quote referred to in the letter to you relates to Geraldton.
- (3) The Government is mindful of and concerned about the difficulties being encountered by small businesses. As mentioned in (1), a committee has been established to study the problem and consultation with concerned groups will continue in an effort to overcome their problems.

RAILWAYS

Road Service

252. The Hon. W. M. PIESSE, to the Minister representing the Minister for Transport:

- (1) Is there a limit to the tonnage of goods which may be carted to one distributor in the country by Westrail road service?
- (2) (a) If so, what are the limits that currently apply; and
(b) are these limits likely to be changed in the near future?
- (3) (a) Is there any regulation covering the amount of goods carted by Westrail road service from one supplier in the metropolitan area to one distributor in the country; and
(b) if so, what is the regulation at present?

The Hon. D. J. WORDSWORTH replied:

- (1) Yes, licence conditions provide for limits on goods for any one consignee on some of Westrail's road truck services.
- (2) (a) The limitations are outlined in the conditions section of Westrail's commercial goods vehicle licence. A copy is supplied below;
(b) this matter is currently being negotiated between Westrail and the Transport Commission.
- (3) (a) and (b) The information given in (1) and (2) applies to this situation.

MOTOR TRUCK SERVICES

1. Kewdale-Bunbury and return.
2. Kewdale-Williams-Darkan-Duranillin-Arthur River and return.
3. Bunbury-Nannup-Margaret River-Augusta and return.
4. Bunbury-Greenbushes-Boyup Brook and return.
5. Kewdale-Northam-York-Narrogin-Katanning-Albany-Narrogin-Williams and return.
6. West Merredin-Narrogin and return.
7. Albany-Denmark-Walpole and return.
8. Narrogin-Kondinin-Hyden-Pingaring and return.
9. Katanning-Nyabing-Pingrup and return.
10. Katanning-Gnowangerup-Jerramungup-Gardiner River and return.
11. Kewdale-Avon Yard-Kalannie-Kulja-Beacon and return.
12. Kewdale-Northam-Wyalkatchem-Koorda-Mukinbudin and return.
13. (a) Kewdale-Northam-Kellerberrin-Merredin and return.
(b) Kewdale-Clackline-Spencers Brook and return.
14. West Merredin-Trayning-Yelbini and return.
15. West Merredin-Narembreen-South Kuminin and return.
16. West Merredin-Narembreen-Kondinin and return.
17. West Merredin-Southern Cross-Koolyanobbing and return.

18. (a) Kewdale-Northam-Dalwallinu and return.
(b) Kewdale-Walebing-Dalwallinu-Mullewa and return.
19. Kewdale-Geraldton via Three Springs and Eneabba and return.
20. Kewdale-Badgingarra-Jurien Bay-Eneabba and return.
21. Kalgoorlie-Leonora and return.
22. Katanning-Kojonup and return.
23. Wundowie-Meckering.
24. Kewdale-Miling via Toodyay Road and return.

CONDITIONS

Class of Goods to be carried: This licence shall authorise the licensee to operate the vehicle(s) described above SOLELY FOR THE PURPOSE OF: carrying—

On Routes 1, 2, 5, 11, 12, 13, 18, 19 and 24:

Regular Schedule Services for the carriage of Mails, Parcels, Fruit and vegetables and General Cargo not exceeding 1 tonne to any one consignee.

Notwithstanding the above, consignments of General Cargo in excess of 1 tonne may be carried to the townsite of Williams only.

On Routes 3, 4, 6, 7, 8, 9, 10, 14, 15, 16, 17 and 20:

Regular Schedule Services in conjunction with schedule rail services for the carriage of Mails, Parcels, Fruit and vegetables and General Cargo. Provided that on Route 7, no goods shall be set down on any west bound journey at Denmark and that no goods shall be picked up on any east bound journey at Denmark.

On Routes 21 and 22:

Mails, Parcels, Fruit and vegetables and General Cargo in conjunction with Scheduled Rail Services.

On Route 23: Rail fasteners.

For the purpose of this licence the term "General Cargo" shall NOT include goods which are carried

under any form of refrigeration or cooling provided by the use of Dry Ice, chemical refrigerants or mechanical equipment.

LICENCE No. 01252

FUEL AND ENERGY: ELECTRICITY

Conservation

253. The Hon. F. E. McKENZIE, to the Minister representing the Minister for Fuel and Energy:

In an address given to the Institution of Engineers, Australia on 10 September 1980, the State Energy Commission manager for energy marketing, indicated that the State Energy Commission expected electricity sales to double from around 4 000 000 000 kilowatt hours in 1980, to around 8 000 000 000 kilowatt hours in 1990, representing an average annual increase of around 7 per cent. In the light of this, will the Minister advise—

- (1) What steps are being taken to encourage conservation of electrical energy in Western Australia?
- (2) In view of the conflict of interest between energy sales and energy conservation, will the Government take steps to separate the two functions by including energy conservation in the duties of the Department of Conservation and Environment?

The Hon. I. G. MEDCALF replied:

- (1) The Government has taken many initiatives to encourage energy conservation in Western Australia, including the formation of the State Energy Commission in 1975, and the Solar Energy Research Institute of Western Australia.

The major energy problem facing Western Australia is to reduce dependence on imported fuel oils and an aggressive programme has been implemented to achieve this through increased oil and gas exploration programmes and activities such as the development of the North-West Shelf gas reserves, improved coal extraction techniques at Collie, the conversion of Kwinana power station to enable it to be fired on coal, and the heavy support given to solar research.

Conservation of energy by customers has been encouraged directly by the energy commission through its customer advisory service and associated technical support services, both in the household situation and in industry and commerce.

The energy commission is currently considering a report prepared by a work party to the Energy Advisory Council recommending further actions to be taken by the Government which the Minister expects to receive shortly.

- (2) The Minister does not consider there is a conflict of interest between energy sales and energy conservation.

The role of the State Energy Commission is to ensure the effective and efficient use of energy resources in Western Australia and this includes the promotion of energy conservation measures.

This is being carried out effectively and no good purpose would be served by separating these functions.

TOTALISATOR AGENCY BOARD

Turnover: Country Agencies

254. The Hon. TOM McNEIL, to the Minister representing the Chief Secretary:

Will the Minister explain how information of Totalisator Agency Board agency turnover figures are available, or have been made available to the *Belmont Times*, but not provided to questions asked in this House?

The Hon. G. E. MASTERS replied:

The information was given to the *Belmont Times* in error. The Chief Secretary previously advised in answer to question 204, only that financial information contained in the TAB's annual report is made available to the public.

RAILWAY

Meekatharra-Pindar

255. The Hon. F. E. McKENZIE, to the Minister representing the Minister for Transport:

With reference to paper No. 222 laid on the Table of the House on 4 September 1980, entitled "Proposed Closure of the Pindar to Meekatharra Railway", will the Minister also table the Westrail document entitled "Transport in the Murchison," because the reference notes included in the Tabled Paper refer to the document *Transport in the Murchison* quite frequently and it is difficult to obtain a full understanding of the reasons for the closure without referring to it?

The Hon. D. J. WORDSWORTH replied:

Westrail's document titled "A review of the alternative means of meeting the transport requirements of the Murchison Area", is hereby tabled. This document was distributed publicly to members and other interested parties.

The other reports referred to in the reference notes are internal Westrail papers and reports.

The document was tabled (see paper No. 276).

QUESTIONS WITHOUT NOTICE

CRIMINAL INJURIES (COMPENSATION) ACT

Amounts Paid

68. The Hon. J. M. BERINSON, to the Attorney General:

On 5 August the Attorney General advised the House that the maximum amount payable under the Criminal Injuries Compensation Act was then under review.

- (1) Can the Attorney General say whether or not a decision has been made on that matter?

- (2) If so, what?
- (3) If no decision has yet been made, when might it be anticipated?
- (4) When next considering another amendment to the Act, will he undertake to again consider the recommendation of the Law Reform Commission that judicial awards pursuant to the Act should be final and not subject to alteration by the Minister?

The Hon. I. G. MEDCALF replied:

I am indebted to the member for advising me of the details of this question the answer to which is as follows—

- (1) to (4) A number of discussions have taken place with relevant departmental officers. However, final decisions have not yet been made, although it is hoped legislation can be introduced during the current session. All relevant recommendations and considerations affecting such recommendations will be taken into account.

CONSTITUTION AMENDMENT ACT

Validity

69. The Hon. J. M. BERINSON, to the Attorney General:

- (1) Can he advise the House when the application to the Supreme Court for a declaration as to the validity of the Constitution Amendment Bill (No. 2) is expected to be filed?
- (2) If a date is not yet known, will he undertake to advise the House when the date is determined?

The Hon. I. G. MEDCALF replied:

- (1) and (2) I am not in a position to answer the question. When the relevant information is available the House will be advised.

CONSTITUTION AMENDMENT ACT

Validity

70. The Hon. J. M. BERINSON, to the Attorney General:

Supplementary to my previous question, is it intended to await the decision in the proposed appeal in the Wilsmore case before the application is made?

The Hon. I. G. MEDCALF replied:

I think the member may be confusing what is essentially a private matter, in which private members may be bringing proceedings to determine the validity of an Act, with a decision of the Crown to appeal. I cannot give him any such undertaking because these matters are in different hands.

ELECTORAL: WILSMORE CASE

Appeal to Privy Council

71. The Hon. J. M. BERINSON, to the Attorney General:

- (1) Can he confirm that an appeal to the Privy Council is to be made against the decision in the Wilsmore case?
- (2) If so, why has the Privy Council been preferred to the High Court of Australia?
- (3) Does the Government support or oppose in principle the view that 80 years after federation the High Court is not only as well qualified as the Privy Council to adjudicate on all legal questions, but is also in fact better qualified than the Privy Council in constitutional matters where value judgments often arise which should preferably be arrived at as a reflection of contemporary Australian attitudes?

The Hon. I. G. MEDCALF replied:

- (1) It is a fact that the Crown is seeking leave to appeal to the Privy Council in the Wilsmore case.

- (2) and (3) In relation to whether the appeal should be brought before the Privy Council or the High Court, the reasons for selecting the Privy Council are basically that the Privy Council is likely to determine the matter before the High Court; the Privy Council is likely to give one judgment whereas the High Court might give one per judge; the cost is not likely to be significantly greater; and the Privy Council is seen as a very fitting forum to determine a question arising out of the United Kingdom Act, the Constitution Act of 1899, and the Constitution Amendment Act of 1899 amending the original Act. Those Acts are relevant in the sense that the Privy Council has already had to determine questions of a similar nature arising out of similar Acts, and there is no constitutional question *inter se* involved in this particular matter.

It is not a Federal matter; it is peculiarly a matter arising out of the United Kingdom legislation. There is no reflection in any respect on the ability of the High Court to determine these issues, but for practical reasons this selection has been made.

CONSTITUTION AMENDMENT ACT

Validity

72. The Hon. H. W. OLNEY, to the Attorney General:

Arising out of the penultimate question of Mr Berinson, the Attorney General referred to private action being taken or proposed by certain members or a member of Parliament as to the validity of the amendment to the Constitution Act passed recently. Is it proposed that the facilities of the Crown Law Department will be made available to the members concerned to test the validity of that Act, or will they be acting purely in a private capacity through private legal advisers?

The Hon. I. G. MEDCALF replied:

I think there is some slight confusion. The Hon. J. M. Berinson referred to the Constitution Amendment Bill (No. 2). That is not the right one; we are talking about the Constitution Act Amendment Act. It is not intended that the facilities of the Crown Law Department be made available. The members will have to take their own action through private solicitors.